

**THE MINUTES OF THE HOUSE STANDING COMMITTEE
ON
JUDICIARY**

Wednesday, December 6, 2006

10:30 a.m.

Room 308 House Office Building

The House Standing Committee on Judiciary was called to order by **Representative William Van Regenmorter**, Chair.

MEMBERS PRESENT: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Elsenheimer, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith.

MEMBER ABSENT/EXCUSED: Representatives Stakoe and McConico.

Representative Rick Jones moved to adopt the minutes of the **November 29, 2006** meeting. The motion was supported by **Representative David Law**. There being no objection, the motion prevailed by unanimous consent.

Chairman Van Regenmorter laid **HB 6693** before the committee:

HB 6693 Schuitmaker Property; other; uniform statutory rule against perpetuities; limit to real property.

TESTIMONY

Representative Schuitmaker, sponsor of HB 6693, explained her bill to the committee.

Representative Newell moved to report **HB 6693** with recommendation. The motion was supported by **Representative Nofs**.

The motion prevailed by a vote of **10-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Rick Jones, David Law, Rocca, Lipsey, Adamini and Bieda,
Nays: None,
Pass: None.

Chairman Van Regenmorter laid **SB 1495** before the committee:

SB 1495 Cropsey Corrections; parole; appointment of attorney for indigent prisoners at certain parole revocation hearings; allow.

TESTIMONY

John Lazet and **Craig Starkweather**, from Senator Cropsey's office, testified in support of the bill.

David Newman, representing the Michigan Department of Corrections, submitted a card in support of the bill and did not wish to speak.

Mark Gates, representing the State Court Administrative Office, submitted a card in support of the bill and did not wish to speak.

Representative Bieda moved to report **SB 1495** with recommendation. The motion was supported by **Representative Rick Jones**.

The motion prevailed by a vote of **10-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Rick Jones, David Law, Rocca, Lipsey, Adamini and Bieda,

Nays: None,

Pass: None.

Chairman Van Regenmorter laid **SB 1428** before the committee:

SB 1428 Cropsey Courts; other; drug treatment courts; allow defendants to attend drug treatment courts in other jurisdictions and revise mandatory requirements for drug treatment courts.

TESTIMONY

John Lazet, from Senator Cropsey's office, testified in support of the bill.

Representative Rick Jones moved to adopt the substitute (**H-1**) to **SB 1428**. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **10-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Rick Jones, David Law, Rocca, Lipsey, Adamini and Bieda,

Nays: None,

Pass: None.

Representative Bieda moved to report **SB 1428** with recommendation, as substitute (**H-1**). The motion was supported by **Representative Nofs**.

The motion prevailed by a vote of **11-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Chairman Van Regenmorter laid **SB 102** before the committee:

SB 102	Cropsey	Corrections; state facilities; Ionia maximum correctional facility; rename to Jack Welborn correctional facility.
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TESTIMONY

Craig Starkweather, from Senator Cropsey's office, testified in support of the bill.

Chairman Van Regenmorter offered the following amendment to **SB 102**:

1. Amend page 1, line 1, after “**JANUARY 1,**” by striking out “**2006**” and inserting “**2007**”.

Representative David Law moved to adopt the amendment. The motion was supported by **Representative Lipsey**.

The motion prevailed by a vote of **11-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Representative Rick Jones moved to report **SB 102** with recommendation, as amended. The motion was supported by **Representative Lipsey**.

The motion prevailed by a vote of **11-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda.

Nays: None.

Pass: None.

Chairman Van Regenmorter laid **SB 1241** before the committee:

SB 1241 Allen State agencies (existing); state; maintenance of certain records of conviction for the life of the person; require.

TESTIMONY

Joe Agostinelli from Senator Allen's office, testified in support of the bill.

Sgt. Matt Bolger, representing the Michigan State Police, submitted a card in support of the bill and did not wish to speak.

Representative Nofs moved to report **SB 1241** with recommendation. The motion was supported by **Representative Rick Jones**.

The motion prevailed by a vote of **11-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Chairman Van Regenmorter laid **SB 1104** before the committee:

SB 1104 Cropsey Civil procedure; costs and fees; cost of publishing legal notices; index to inflation.

TESTIMONY

John Lazet from Senator Cropsey's office, testified in support of the bill.

Lisa McGraw, representing Michigan Press Association, submitted a card in support of the bill and did not wish to speak.

Wayne Oehmke, representing the Royal Oak Daily Tribune and the Michigan Press Association, submitted a card in support of the bill and did not wish to speak.

Representative Condino moved to adopt the substitute (**H-1**) to **SB 1104**. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **10-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Rick Jones, David Law, Rocca, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Representative Rick Jones moved to report **SB 1104** with recommendation, as substitute **(H-1)**. The motion was supported by **Representative Newell**.

The motion prevailed by a vote of **10-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Rick Jones, David Law, Rocca, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Chairman Van Regenmorter laid **HB 6698, HB 6699, HB 6700, HB 6701, HB 6702, HB 6703, HB 6704, and HB 6705** before the committee:

HB 6698	Lipsey	Family law; child support; child support formula commission; establish.
HB 6699	Condino	Family law; child support; development of child support formula by friend of the court bureau; eliminate.
HB 6700	Bieda	Family law; child support; reference in family support act to child support formula developed under the "friend of the court act"; revise to "child support formula commission act".
HB 6701	Virgil Smith	Family law; child support; reference in SPTEA to child support formula developed under the "friend of the court act"; revise to "child support formula commission act".
HB 6702	Kolb	Family law; child support; reference in revised judicature act of 1961 to child support formula developed under the "friend of the court act"; revise to "child support formula commission act".
HB 6703	Lipsey	Family law; child support; reference to child support formula developed under the "friend of the court act"; revise to "child support formula commission act".
HB 6704	Adamini	Family law; child support; reference in paternity act to child support formula developed under the "friend of the court act"; revise to "child support formula commission act".
HB 6705	Lipsey	Family law; child support; reference in revised uniform reciprocal enforcement of support act to child support formula developed under the "friend of the court act"; revise to "child support formula commission act".

TESTIMONY

Representative Lipsey, sponsor of HB 6698, HB 6703 and HB 6705, explained his bills to the committee.

Jeff Albaugh, representing the Friend of the Court, testified in opposition to the bills.

Carlo Martina, representing the State Bar Family Law Council, testified in support of HB 6698.

Representative Condino, sponsor of HB 6699, explained his bill to the committee.

Mark Gates, representing the State Court Administrative Office, testified in support of the bills.

Representative Schuitmaker moved to report **HB 6698** with recommendation. The motion was supported by **Representative Rick Jones**.

The motion prevailed by a vote of **10-1-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: Representative Nofs,

Pass: None.

Representative David Law moved to report **HB 6699** with recommendation. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **11-1-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,

Nays: Representative Nofs,

Pass: None.

Representative Condino moved to report **HB 6700** with recommendation. The motion was supported by **Representative Lipsey**.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

Representative David Law moved to report **HB 6701** with recommendation. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **11-1-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,
Nays: Representative Nofs,
Pass: None.

Representative Rick Jones moved to report **HB 6702** with recommendation. The motion was supported by **Representative Lipsey**.

The motion prevailed by a vote of **11-1-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,
Nays: Representative Nofs,
Pass: None.

Representative Schuitmaker moved to report **HB 6703** with recommendation. The motion was supported by **Representative Virgil Smith**.

The motion prevailed by a vote of **11-1-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,
Nays: Representative Nofs,
Pass: None.

Representative Condino moved to report **HB 6704** with recommendation. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,
Nays: None,
Pass: None.

Representative David Law moved to report **HB 6705** with recommendation. The motion was supported by **Representative Condino**.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini, Bieda and Virgil Smith,

Nays: None,

Pass: None.

Chairman Van Regenmorter laid **SB 1266** before the committee:

SB 1266	Bishop	Occupations; notaries public; eligibility for licensed attorneys to serve as notaries public; provide for.
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TESTIMONY

Matt Breslin from Senator Bishop's office testified in support of the bill.

Elizabeth Lyon, representing the State Bar of Michigan, submitted a card in support of the bill and did not wish to speak.

Representative Condino moved to report **SB 1266** with recommendation. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **11-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Chairman Van Regenmorter laid **HB 4680** and **HB 4681** before the committee:

HB 4680	Wojno	Crimes; other; use of a public record or information obtainable only through a public record to facilitate or further crime; prohibit and establish penalties.
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HB 4681	Nofs	Criminal procedure; sentencing guidelines; sentencing guidelines for use of a public record or information obtainable only through a public record to facilitate or further crime; enact.
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TESTIMONY

Representative Nofs, sponsor of HB 4681, explained the bills to the committee.

Sgt. Matt Bolger, representing the Michigan State Police, submitted a card in support of the HB 4680 and did not wish to speak.

David Newman, representing the Michigan Department of Corrections, submitted a card indicating neutrality on HB 4681 and did not wish to speak.

Representative Nofs offered the following amendment to **HB 4680**:

1. Amend page 2, line 2, by striking out all of subsection (2) and inserting:

“(2) THIS SECTION DOES NOT PROHIBIT A PERSON FROM BEING CHARGED WITH, CONVICTED OF, OR SENTENCED FOR ANY OTHER VIOLATION OF LAW ARISING OUT OF THE SAME TRANSACTION AS THE VIOLATION OF THIS SECTION.”

Representative Nofs moved to adopt the amendment. The motion was supported by **Representative Newell**.

The motion prevailed by a vote of **11-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Representative Condino moved to report **HB 4680** with recommendation, as substitute **(H-1)**. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **11-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Representative Bieda moved to adopt the substitute **(H-1)** to **HB 4681**. The motion was supported by **Representative Condino**.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Elsenheimer, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Representative Condino moved to report **HB 4681** with recommendation, as substitute **(H-1)**. The motion was supported by **Representative Rick Jones**.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Elsenheimer, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Chairman Van Regenmorter laid **SB 647** before the committee:

SB 647	Sanborn	Labor; fair employment practices; certain statements made by law enforcement officers to law enforcement agencies; regulate use and disclosure of.
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TESTIMONY

Peter Langley from Senator Sanborn's office testified in support of the bill.

John Kirkpatrick, representing the Fraternal Order of Police, testified in support of the bill.

Mark Porter, attorney, representing the Fraternal Order of Police, testified in support of the bill.

John Buczek, representing the Fraternal Order of Police, submitted a card in support of the bill and did not wish to speak.

Tom Krug, representing the Capitol City Fraternal Order of Police, submitted a card in support of the bill and did not wish to speak.

Matt Wesaw, representing the Michigan State Police Troopers Association, submitted a card in the support of the bill and did not wish to speak.

Rich Weiler, representing the Michigan Association of Police Organizations, submitted a card in support of the bill and did not wish to speak.

Larry Orlowski, representing the Deputy Sheriffs Association of Michigan, submitted a card in support of the bill and did not wish to speak.

Tim Ward, representing the Police Officers Association of Michigan, submitted a card in support of the bill and did not wish to speak.

Mike MacLaren, representing the Michigan Press Association, submitted a card in opposition to the bill and did not wish to speak.

Representative Rick Jones moved to report **SB 647** with recommendation. The motion was supported by **Representative Elsenheimer**.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Elsenheimer, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Chairman Van Regenmorter laid **SB 1292** before the committee:

SB 1292 Johnson Children; adoption; safe delivery of newborns program; provide for general amendments.

TESTIMONY

Dominick Pallone from Senator Johnson's office, testified in support of the bill.

William Kandler, representing the Family Law Section of the State Bar of Michigan, submitted a card in support of the bill and did not wish to speak.

Ed Rivet, representing Right to Life of Michigan, submitted a card in support of the bill and did not wish to speak.

Representative Bieda moved to report **SB 1292** with recommendation. The motion was supported by **Representative Schuitmaker**.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Elsenheimer, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Chairman Van Regenmorter laid **SB 1404** and **SB 1405** before the committee:

SB 1404 Goschka Crimes; penalties; penalties for harassing, interfering with, or injuring law enforcement or search and rescue animal; increase.

SB 1405 Goschka Criminal procedure; sentencing guidelines; sentencing guidelines for certain crimes relating to search and rescue operations; enact.

TESTIMONY

Tom Atkins from Senator Goschka's office testified in support of the bills.

Dr. Al W. Stinson, representing the Michigan Association for Purebred Dogs and the Michigan Hunting Dog Federation, testified in support of SB 1404.

Larry Orłowski, representing the Deputy Sheriffs Association of Michigan, submitted a card in support of SB 1404 and did not wish to speak.

Sgt. Matt Bolger, representing the Michigan State Police, submitted a card in support of SB 1404 and did not wish to speak.

David Newman, representing the Michigan Department of Corrections, submitted a card indicating neutrality on SB 1405 and did not wish to speak.

Representative Bieda moved to report **SB 1404** with recommendation. The motion was supported by **Representative Lipsey**.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Elsenheimer, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Representative David Law moved to report **SB 1405** with recommendation. The motion was supported by **Representative Bieda**.

The motion prevailed by a vote of **12-0-0**.

FAVORABLE ROLL CALL:

Yeas: Representatives Van Regenmorter, Schuitmaker, Newell, Nofs, Elsenheimer, Rick Jones, David Law, Rocca, Lipsey, Condino, Adamini and Bieda,

Nays: None,

Pass: None.

Representative Bieda moved to excuse absent members from the committee. The motion was supported by **Representative Lipsey**. There being no objection, the motion prevailed by unanimous consent.

There being no further business to come before the committee, the Chair adjourned the meeting at 12:20 p.m.

Representative William Van Regenmorter, Chair
House Standing Committee on Judiciary
Malika Abdur-Rashid
Committee Clerk
517-373-7256
1 Hour 50 Minutes